

EXHIBIT 3

Letters of Support from Colleagues

Scott Brauning
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Judge Williams Orrick
United States District Court
450 Golden Gate Avenue
San Francisco, CA 94102

May 28th, 2021

Re: Alan Varela

Your Honor,

If you would kindly entertain my letter with your valuable time, I'd like to share my own long experience with you about the respectable man that is Alan Varela.

Since meeting Alan in 2007, Alan has always been a gentleman at every level. Alan's humility when faced with great responsibility is what I most admire about him. Alan thinks critically about others' needs, and, while he appears cautious to make official commitments, he always comes through on the commitments he makes. I see Alan often motivated by his ability to help the many people around him, and I know Alan takes great joy in overextending himself in this regard. Most can't hold a candle to what Alan achieves through his hard work and good nature.

Alan has been forthcoming with our business enterprise about his involvement in this offense. It is obvious our long-term relationship is important to Alan. I've never experienced Alan make decisions for short term gain that would negatively affect the long-term well-being of himself or others. He's always been a valued reasonable voice on our projects, always being straightforward and businesslike across the spectrum of our clients. I pray for our relationship to continue this way for many long years.

I also know Alan's family well and I visit them several times a year at their home. I've worked with Alan, vacationed with him, and participated in charitable events in our community with him.

As I've said, Alan is always there for everybody that needs a hand. Even while working constantly to help everybody else, Alan has guided a large family so successfully that he is the envy of every parent I know. Alan's family is, without a doubt, the one I respect the most.

Alan's wife, Jen, is beautiful. She is the most beautiful Stage 4 Cancer patient I have ever seen or imagined. Subcutaneous lymphoma is hell; it slowly takes from your outside and then your

inside. Alan sticks by his wife every day since the first day of her diagnosis all while raising their five young children. Jen and Alan are an extraordinary team.

Jen is inspiring to be around. You would think it might be hard being around somebody that's facing such a brutal disease, but it's quite the opposite. As is the path with many things in the Varela family, Jen's disease has been transformed from a horrible truth to an inspirational story of family and life. Ask their many friends how their story affects them. I frequently ask Jen about what keeps her going, and she always tells me that Alan is the reason. Although painful (literally), Alan does not allow her to dwell on the negative, and now Jen doesn't allow anybody else to either. **Alan's positivity** is so contagious that I'm convinced it, along with a brilliant team from Stanford, has kept Jen alive and beautiful for years despite her incurable disease.

Alan's children have also been shaped by their father in the most unique and tangible ways. I know because all but one of Alan's boys has worked for me over their summer vacations. They are a pleasure to be around. Extraordinarily mature for their ages, Alan's children are respectful, hard working, and bright. When was the last time you heard a teenager say, "I'm so happy you will be joining us for dinner Mr. Brauninger, my brothers and I have been looking forward to you coming all week." Your jaw almost falls out when you experience Alan's children's most sincere salutations. That might be easy to achieve with one child, but Alan's family has achieved it with all five. The warmth and respect you feel when you are around Alan's family is an energy you cannot recreate anywhere else but his home.

Alan thrives when participating in our community. Alan's participation has furthered the arts, cancer research, and, to an enormous extent, the technical capabilities of our local Bay Area building economy. There is even more he achieves that I'm sure others will tell.

Coming here from Chile via Boston, grinding his way up through the building trades and university, running his business here in the Bay Area, I've seen Alan earning his money the best way possible; **good work performed like a gentleman**. You may be surprised to hear that I've never heard Alan swear, even under the most difficult circumstances where it might be excused by most. He is just too good of a guy to embarrass anybody with an outburst.

His good nature is an inspiration to his hard-working employees who provide some of the best technical services available in the business. Under Alan's leadership, Alan's people produce quality work for many Bay Area construction projects.

You might think that because Alan is successful that he is in his office all day. This is absolutely not the case. If you want to find Alan during the day, it's likely you'll find him in the middle of his men directing an excavator or working with a team to solve problems at a jobsite. Alan is the engine behind many successful Bay Area projects.

Alan also has the respect of his largely Latino workforce to an extent you never see in construction. Many employees have been with him for over 20 years. He is a man of his men. It's obvious they are important to each other. Alan provides stable opportunities for many

working Latino families to maintain good jobs in safe conditions where they are treated with the respect they deserve in our industry. His credibility, unique experience and skill assure them good futures and provide a stable and skilled workforce for critical parts of the bay area construction economy. Construction crews love to show off pictures of their own personal projects. Often enough, Alan's men share pictures of the homes they built for their own families with the steady paychecks Alan has provided them for decades. The pride of their achievements makes for valuable moments; the real life examples of those words inscribed on our Statue of Liberty. Alan's door is always well lit and open to these men.

Alan also provides the Latino construction worker a voice they can turn to when they need somebody to be a bridge between them and their primarily American born employers. It is not easy for a Latino worker to speak up and explain a complex work issue to their employer. I've personally seen Alan acting as the go between when cultures clash and the communication between the workforce and their supervisors isn't working. Frankly, many of these situations involve safety on large projects. Either the workforce won't take safety rules seriously, or an employer doesn't understand their employees' needs clearly. Alan's presence across so many projects in the Bay Area and his unique ability to communicate across borders and socio-economic classes makes projects safer places for Latino families to earn a living in the Bay Area.

Alan has also been something like an older brother for me. Alan taught me to admire art, encouraged me to speak better Spanish, and was always there to encourage me when times were tough early in my own business. When we first started our company and nobody would extend credit to our new startup, Alan did. We barely even knew him, but after a meeting, he trusted and believed in us. We were the little guy that Alan had been when he immigrated here for school. He recognized that we needed help. At the time, our then small company had just been born into a fire of litigation with our previous employer. They were intent on using their superior economic position to litigate and boycott us out of existence. In fact, along with the Great Recession of 2008, they almost did. When our previous employer boycotted those companies that did work with us, Alan stuck with us despite the worry of losing precious work from a dominant player during a recession. I will never forget this. Other companies were not so steadfast and caved to the pressure.

When you need a solid, principled friend to back you up, Alan is the man I would recommend. When I need critical review of other members of my own team, or even myself, Alan is the guy I call to get a clear outside perspective. You can call Alan anytime, anywhere, and Alan will always answer the phone to help. Friend or foe, across the world or across the street, it won't matter, he will answer. Alan won't prejudice against a chance for a new beginning or experience. It's the highlight of my day when I talk to Alan, so I call as often as I can. I know many others do too. Alan is just that kind of person.

Your honor, Alan is a leader many, including myself, are grateful for and depend on. Thank you for your consideration of my perspective.

Sincerely,

Scott Brauning
Chief Operating Officer, Build Group, Inc.

Judge William Orrick
United States District Court
450 Golden Gate Avenue
San Francisco, CA 94102

June 4, 2021

Re: Alan Varela

Dear Judge William Orrick,

Thank you for taking the time to read this letter. The legal situation of Alan is of concern to me and I hoped that one day I would get an opportunity to speak on behalf of his character in person. I watch some police procedurals on TV and I envisioned a day where I could tell a courtroom full of people that were about to pass judgement on him and decide his future, that Alan Varela is a good, humble, honest and caring human being in an industry that tends to weed out those type of people and that I'm lucky to count him as a peer, friend and mentor. I was told that my only opportunity is writing this letter to you, Sir.

Professional

I've worked in the demolition/soil remediation industry for over 20 years. I've known Alan for about 10 years and I have worked closely with him for the last 5 years while employed at A&B Construction (A&B).

I have learned to be wary when I first come on board at a new company. It doesn't take long to learn what corners an employer cuts to make an extra dollar. I've seen unethical and shady dealings in my 20 year career, most notably and easily, the purposeful disposal of soil/debris at the wrong facilities. Like other companies in this niche industry, A&B has opportunities to do the same. When directed to consult with Alan on a number of occasions about what to do with random piles of soil, he has always instructed me to speak with the proper environmental consultant/agency to ensure legal disposal. He has consistently upheld the standard that no amount of profit is worth tarnishing your reputation or ruining the environment for other generations.

Beyond the proper disposal of material, our work involves an incredible amount of permitting and inspections. Most of these circumstances require the contractor to police themselves to do the "right thing." There has never been a situation where Alan's advice or direction was contrary to established regulations or contract requirements. The Alan I know is an honest man.

Personal

With Alan, drawing a line between his work relationships and his personal friendships is impossible. He works constantly and he considers the people he works for and/or with to be his friends. I have never seen a man work harder. He also treats everyone with the same level of respect and courtesy regardless of race or gender. I know that may seem like a no-brainer but in my experience, the construction industry is way behind hiring woman and minorities. Alan advocates for both and he has never offered a professional opinion on not hiring someone based on anything other than their potential. I admire him for his advocacy.

I've known other incredibly successful people, and their success typically came at the expense of their family. That is not the case with Alan. His children intern occasionally at A&B and I see that they truly love and admire him all the while he is making them work hard and meet high expectations. As a father myself, I was impressed with how he makes sure his children understand that hard work is the key to success and that they aren't being handed anything in life. I hope, as my son grows up, to be the father Alan is.

Sir, you do not have an easy job. I do not envy your responsibility to uphold the law and decide the fate of people you do not know. While I do not know the fine details of Alan's legal issues I do know the man. He is good, honest and fair and I humbly ask that you consider his character and willingness to resolve this matter quickly and fairly when deciding his fate.

Regards,

Pete Buss

June 8, 2021

Judge William Orrick
United States District Court
450 Golden Gate Avenue
San Francisco, CA 94102

Your Honor,

I met Alan Varela 30 years ago when I was working for a general contractor building the Skilled Nursing Facility at San Francisco General Hospital. Alan was working for subcontractor on the project at the time. I was immediately impressed by Alan's outsized personality and positive energy. Soon he was a favorite of the construction manager, architect, and owner's representatives as well. We became great friends and have remained so ever since.

Later I worked for Alan for nine years. In the office, Alan led by example. He worked hard, expected the same from the team, but didn't micromanage. Our friendship was not changed by our employer/employee relationship. It was through Alan's wife, Jen, that I met my wife, Vera. My stepdaughter and Alan's kids played together as children. We all get busy in life, and some friends fall by the wayside, but Alan is the rare kind of friend that even if I haven't seen him in quite some time, we immediately pick up right where we left off. That kind of friend is hard to find.

Having known Alan as a friend, an employer, and a family man, I can tell you that Alan is authentic. There is no pretense with Alan – what you see is what you get. He'll call it as he sees it. He is bright, funny, engaged, direct, driven, energetic, and generous. He has friends from all walks of life, inside and outside the construction industry. His kids, now young adults, are exemplary. Although busy with work, Alan has always made sure to carve out time for his kids. Together as a family they have seen a lot of the world.

Alan is someone who thrives on having a lot going on. In business, he always has several irons in the fire. He enjoys the challenge. Alan is self-made - his success earned through hard work and effort, not through short-cuts or scams. He has the smarts and the drive, and people like him. He knows a lot of people and has a lot of friends.

In my experience knowing Alan, I have never seen him resort to shady dealings to get ahead. He has never needed to, and that's not who he is anyway. He is, however, the type of person who would gladly help a friend or business associate if asked.

Best regards,

A handwritten signature in blue ink, appearing to read "Ryan Caulfield". The signature is fluid and cursive, with a large initial "R" and "C".

Ryan Caulfield
110 Camrose Place
Walnut Creek, CA 94596
(415) 716-2980

Judge William Orrick
United States District Court
450 Golden Gate Ave.
San Francisco, Ca 94102

Judge Orrick,

My name is Randy Cram. I am writing this letter on behalf of Alan Varela.

I am the Founder and Owner of Tri-West Tractor Inc. located in Livermore. We have been in business for 41 years and sell and rent construction machinery in Northern California. I first met Alan in 1994 when we rented his company a couple of machines for a project in Livermore. I knew from the start that this was someone I wanted to do business with. He was fair and reasonable in our dealings and stressed that he was not looking for a "one time" transaction. He wanted to build a relationship that was long term and mutually beneficial. Those first few rentals turned into equipment purchases and I think he realized that we took the long-term approach to business as well. As his company grew, Alan gave Tri-West an opportunity to expand our business dealings. We certainly had to earn his business with good pricing and service but if we were competitive, we would often get the deal. We have sold Alan's company over 225 pieces of equipment and attachments during a 27-year period. Alan has always handled our business dealings with honesty and integrity.

I am very active in a construction organization in Northern California that works to create a better work environment for our industry. As part of the Leadership Group of this organization we are constantly reaching out to our members asking for their participation. Alan has always supported the organization with fundraising and has served on several committees but always did so from behind the scenes. He did not want notoriety or to be in the limelight. I asked him one day why he did not attend the social events that were put on by the organization and he explained that he did not want to sacrifice the time he had away from work for time he could spend with his wife and children. He is a great family man which I greatly admire. Alan is also very philanthropic in the local community. He gives of his time and money to support numerous charities and foundations such as Stanford Medical and others.

After a few years of doing business with Alan, I was able to see the person away from the office. My wife worked in our business and would often answer the phone when Alan called. He always took the time to have a conversation with her and find out what was going on in our lives away from work. He would share stories about his wife and children as well. We would occasionally get together with Alan and Jen and enjoy a dinner out or a concert. It was always a fun evening and something we looked forward to.

A little over 4 years ago, my wife died unexpectedly. When Alan found out he immediately reached out to me and offered his assistance. He knew my wife played an important role in my business and suggested that he loan me one of his staff members to help fill the void at work. More importantly he was there to help me away from work. He reached out often just to talk and see how I was doing. He opened his home to me with invitations to holiday dinners or just a meal with his wonderful family. Alan had the character to be there in my time of need and help me through a difficult time.

As you can see from above, Alan has been a “great customer” for Tri-West Tractor but I am proud to say he has been a “better friend”. I hope I have been able to give you an idea of the Alan Varela I know, and I hope you will take that into consideration in your determinations. Please feel free to contact me if you have any questions.

Regards,

Randy Cram

925-455-8200

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Ross Edwards
160 South Van Ness
San Francisco, CA 94103
ross@buildgc.com

Judge Williams Orrick
United States District Court
450 Golden Gate Avenue
San Francisco, CA 94102

June 1, 2021

Re: Alan Varela

Your Honor,
I have known Alan Varela for over 10 years. We met in 2010 as the country was just emerging from the recession and our industry was just starting to recover as we are a lagging indicator.

We had started our business in 2007 and we were a very small shop.

We had secured a job near candlestick park prepping a site for a future building.

Alan was instrumental in helping our company complete its first project successfully. He believed in us and went the extra mile to make sure that us and our client were happy and satisfied.

This project started a long relationship between our firms and blossomed into a friendship as well.

At the time of our first project our firm (Build Group) was doing about 5 million in business a year. We are now billing about 1 billion a year and employ close to 1000 people in the Bay Area with our headquarters in San Francisco.

Alan has been with us every step of the way in the good times and bad. He has never taken a short cut and has gone above and beyond to help us out.

He is such a gentleman and is the type of person that genuinely wants to help and give to others. Giving of his time and resources is what brings him joy.

Alan's giving spirit transcends any notion that I have seen of giving to get. He truly thrives on helping others. Whether it is hosting a wedding for one of our low-level employees at his property or helping out my 80-year-old mother in law with her cracked sewer pipe Alan lives his life truly trying to help others.

Alan's wife Jen is a beautiful woman who suffers from a rare blood disorder. Instead of feeling bad about their situation they reached out to friends to raise money for cancer research. The people in Alan's circle finally having a chance to give something back to Alan allowed Alan and Jen to raise over 1 million dollars at a single event at their house with every penny going to cancer research.

As our business grew over time we invited Alan to be a part of our management retreat and we so respected his long-term vision, customer service and how he ran his business. He provided valuable insights and has truly helped guide our company to one of the largest construction firms in the Bay Area.

I sent a note to Jen the day after Alan plead guilty telling her that we were there for her and if we could do anything to help her. Her reply I think says it all,

“I really appreciate it. I’m more in love and in awe of my husband than the day I married him. He honestly makes the people around him better human beings and I am of those. I don’t know how he finds the strength sometimes.”

Alan is an amazing human, a force in the business community and a person I call a friend.

Ross Edwards
CEO and Founder of Build Group
650-703-9519

July 7, 2021

Judge William Orrick
United States District Court
450 Golden Gate Avenue
San Francisco, CA 94102

Dear Judge William Orrick,

I have known and worked with Alan for more than 6 years in the construction industry and he has played a big role in my personal and professional careers. Alan always reminded of myself, leaving his home country at a young age and immigrating to the United States in a hope to start a new decent life. I can imagine the struggles he went through, leaving everything behind and starting his career as a construction laborer to be able to pay his college tuition.

I admire Alan's hard work that got him to become successful on all levels. I am amazed how Alan manages to balance between his very busy work and personal life and dedicate time to spend with his family. Alan has always encouraged me to start my own family and provided me with support at every major step of my life, from my wedding, to my newborn and even helping me to find my first house. Alan is also very caring and would call me and check on me almost daily during tough times when I had a medical emergency.

Alan's impact on the society is also tremendous. I approached Alan on multiple occasions regarding charity and donations and he was always very motivated to help. From North Beach Citizen's group dedicated to help homeless people in San Francisco, to Marin General Hospital, to Heart Hats, to LEAP Sandcastle and many other local communities, he would never hesitate to donate for good cause. I can also speak off many instances where he would financially support his employees and their families when they need it the most. Here are a few examples: he helped Sixto Trujillo, an A&B employee who battled covid and was in an induced coma for several weeks in the Fall of 2019. The company started a go-fund me page to help support his family and raised over \$ 20,000 in donations. Alan matched the donations and Sixto's family received over \$ 40,000. He has also helped Abraham Ortega, an A&B employee who had a sudden drop in his blood platelets in April of 2021 and had to get urgent care and leave work for a few weeks. Alan continued to financially support him by paying him his regular wages and staying in direct contact with him until he recovered.

Thank you,

Rami El Khoury

Todd Gates
75 Lomita Drive
Mill Valley, CA 94941

August 8, 2021

Judge William Orrick
United States District Court
450 Golden Gate Avenue
San Francisco, CA 94102

Subject: Leniency for Alan Varela

Dear Judge Orrick,

I was running a construction project in 1998 at the University of San Francisco and soliciting subcontractor bids for installation of a high-pressure fire loop extension on their Lone Mountain campus. It was risky work involving heavy construction equipment navigating not only a congested campus, but also a nearly vertical slope at the edge of Lone Mountain. The low bid was nearly half the price of others, but the estimator submitting that bid did not hesitate honoring his number and successfully completing the project.

That individual was Alan Varela. I worked closely with Alan and the USF staff to help complete the design and plan the installation in a manner causing least disruption to university operations. He engendered a level of confidence and trust with the whole team as he readily engaged with good ideas that met everyone's needs. He went on to perform several more successful projects there.

During that period, I learned that he was only a few years older than me. I had a young family. He was very interested in my life with young children and a professional working wife. He recounted his life growing up in Chile, his family, and his move to the United States for college. His enthusiasm for building a life in California was genuine and strong, but I felt he almost envied my family stature more than the successful career he was building for himself.

Several years later, I became aware of a new general contractor that was winning contracts against us in the public works construction market. I learned that Alan was the president, so I sent him a note congratulating him on his new business and asking if he ever needed any help.

Not only did I take a job at his company, but I learned he was recently married and already had young twin children. He would have many more. We've continued to talk about family over the years. His children are still in high school and college; I have gotten to know and enjoy several during their summer jobs at the company.

I tell Alan how lucky he is to have his kids around. Mine have graduated college, and I bemoan the fact they now live in different countries. He congratulates me and my wife on raising young men who embrace the world and engage uncharted opportunities.

Todd Gates
75 Lomita Drive
Mill Valley, CA 94941

Such a perspective coming from someone who himself embraced a new country and started many successful businesses means a lot to me. I am educated as an engineer; I see lines, corners, and equations. He is educated as a businessman; he sees opportunities that I overlook or dismiss as risky. His entrepreneurial inclination is enticing and productive. His willingness to take financial risk in a challenging industry has provided me and hundreds of others with well-paying and interesting jobs building Bay Area infrastructure.

While success in this industry requires firm control of costs, Alan has found time to support several causes I find worthy. Upon my starting work for him years ago, I was involved with an association of builders and designers called ACE Mentor Program that introduces high school students to careers in architecture, construction, and engineering. We met with select students weekly and then hosted a year-end banquet awarding scholarships to deserving graduating seniors. Not only did he encourage me to continue spending time with the program, but the company also assisted funding for ACE. He attended events, and several other company employees continued with the program in following years.

In recent years, I have participated in Alan's fundraising efforts for research in cancer at Stanford University. My wife and I both graduated from there, so we have an existing interest in the school, but we also appreciate that the medical school's particular research is of personal importance to Alan and his wife. They have raised hundreds of thousands of dollars there for a worthy program to which I continue to contribute.

I transitioned to a part-time working status for personal reasons over six years ago. I had several part-time employment options, but I chose to continue an association with Alan's companies because I appreciate his business acumen that provides work opportunity for many, his appreciation of family, his involvement with community improvements, and his friendship.

For these reasons I ask leniency in your determining any penalties that Alan must be required to abide.

Sincerely,

Todd Gates

*Carole Gibb
205 Wicklow Drive
South San Francisco CA 94080
Cell: 415 516 7812*

Judge William Orrick
United States District Court
450 Golden Gate Avenue
San Francisco CA 94102

Dear Judge Orrick

Alan Varela

I have known and worked closely with Alan in my role as Office Manager and his as Managing Consultant with A & B Construction for 24 years. During that time he met and married his wife Jen and together they have raised their 5 children to become independent, responsible and successful young adults who are a credit to their parents. Alan has a strong family commitment and has taught his sons a work ethic that surpasses most today. While now attending university, during their summer vacations since high school, they have also worked at A & B Construction and I have personally been involved with their progress.

Alan looks for and values integrity and honesty in his employees as he has with his business dealings and is willing to spend time mentoring and tutoring young project managers so they can learn and become successful with their projects, ensuring continued relationships with the general contractors and owners we have worked with for numerous years. He also takes time to know his field workers and encourages leadership among our foremen and superintendents.

On many occasions he has helped employees who have endured a temporary hardship allowing them an advance from a few hundred to thousands of dollars for vehicle repairs, home repairs or other personal expenses.

As a successful businessman he is committed to giving back to the community, is compassionate and donates to various charities and fundraisers which benefit the local community, education and those in need.

Quite recently, one of our employees was hospitalized and was in a serious condition for several months due to COVID, a fundraiser was set up and raised over \$20,000. Alan agreed that A & B will match all donations to help his family during this difficult time.

He has hosted fundraiser events which have raised millions of dollars for cancer research at Stanford Medical Center.

Other donations include but are not limited to American Heart Association, Boys and Girls Club, Oakland Museum, Marin General Hospital, various General Contractor fundraisers for community based charities and Sponsorship for Global Glimpse, leadership program for a local high school student international travel for education in ecology, conservation and science.

I hope this letter will serve to demonstrate the support we all have for him and hopefully ensure the lightest possible sentencing in this case.

Sincerely

Carole Gibb

July 31, 2021

Judge Orrick:

My name is William J Gilmartin IV. I have countless memories of Alan over the last 24 years, so many that I could not possibly summarize them all in a letter. There are a few memories, however, that I would like to share in this letter. These memories, I believe, demonstrate who Alan is as a person. These are some of my most personal thoughts about how Alan has been a positive influence on my life, and how he has made a positive impact on his community and all those that come to know him.

My first memory of Alan was at my 12 year old birthday party, over 24 years ago. Alan was new to our family as he was becoming close with my Father while they began to build a business together, ProVen Management, Inc. Even at 12 years old, I understood this to be an extremely important development in my family's life. Alan beamed with a smile and his laugh filled the room.

With his great smile Alan handed me a present. The present was neatly wrapped and appeared to be a book. A very very large book. I vigorously opened the gift, and on the cover stood the tallest truck I had ever seen. In the photo a workman stood against the tire of the truck, and the tire towered over the man. I thought, "This couldn't be a truck, it had to be a building." I simply had no idea that machines could be so large. From cover to cover I was enthralled as I stared at photographs of the largest, most sophisticated construction equipment in the world. Excavators mining rock, off road trucks carrying 40 ton boulders, cranes, bull-dozer, motor graders, and on and on. I can remember Alan telling me that he and my father would one day have all this equipment, and that they would move the earth together. Throughout the years Alan may not have literally moved the earth, but figuratively he has for me and many others.

My second memory of Alan was when he helped me with a school project. I was a freshman in high school, and my assignment was to interview someone who experienced a historical event in a country outside of the United States. My first thought was to interview Alan. He was the only person I knew who came from a foreign country. Without hesitation Alan offered his time, invited me to his office, and provided me with his life story. First, Alan gave me a history lesson on the nation of Chile, which was fascinating in of itself, but then he told me a story that I would never forget. A story that crystalized how faith, determination, education, and most importantly hard work, will change a person's life for the better. One day in 1983 Alan woke up to find that all his family's savings had been vaporized. His home country, Chile, devalued their currency, doubled international tariffs, and literally over-night Alan had next to nothing. I can remember Alan describing his confusion and anguish; How would he make ends meet? How could he continue with his education? How would he afford to put food on the table? Alan went on to describe studying in America, where he worked hard to put himself through school. He washed windows and worked in the trenches as a laborer. He was promoted to foreman, then to project manager, then to estimator and then ultimately he started his own business. I

can remember leaving this meeting feeling full of ambition and hope. I had met a real life hero who, from the depths of nothing, made himself into something. Alan made me believe that with hard work anything is possible.

During my college years, Alan was my best professor. Alan did not teach his class in a room full of students or in front of a white board. Alan taught his classes during my winter, spring, and summer semesters at the University of ProVen Management, Inc. It was during these breaks in college where Alan provided me with an opportunity to learn how to build my mind with a shovel in my hand and a calculator in my pocket. In the bid room Alan taught me how to apply calculus and the importance of good penmanship. Alan gave me an opportunity, he gave me his trust, and taught me by setting an example. He tolerated my many mistakes, and always took the time to provide me with a lesson.

Upon graduating from College in 2007 I believed I wanted to work in investment banking; working for Alan and my Father at ProVen was the last thing on my mind. Even though Alan knew I was interviewing, he still provided me with an opportunity to work for the summer. One day I can remember leaving my 6th interview in the financial district; it was a hot afternoon, no one would hire me, and the financial crisis was just beginning. Back at the ProVen office it was fun and exciting. The phones were ringing, people loved their jobs, and the best part - they were building things with all that huge equipment - pipelines, bridges, roadways, even schools. Naturally, I wanted to ask for a full time job so I asked my Father if they would take me on full time. Without hesitation my Father said, "Son I would love to work with you, but you don't ask me... You need to talk to Alan"

Alan was like family, so of course I thought this was going to be an easy meeting. In my own naivete I thought I would get what I want, I would be able to take any position, and I could work on whatever project I wanted - life was going to be easy. Then reality came rushing in like the dump truck on the cover of that famous birthday present. In that meeting Alan challenged me, he set the expectation that I would have to work extremely hard, that I would have to earn everything, and that working at ProVen would not be a job, it would be a career. Looking back now, I realize this was the most pivotal moment in my life as a young man. If Alan had not challenged me the way that he did, then I would not have accomplished a fraction of what I have today.

After working closely with Alan for years, I learned that Alan brings incredible energy and determination to his life. He acts with purpose and is the toughest person I know. Alan is also extremely generous, offering a job to almost anyone who has the courage to ask; but with opportunity comes a great amount of responsibility. He expects the best from people, that you show up on time, you stay until the job is done, and you never ever give up.

I know that I can speak for many when I say that Alan has been a leader, a teacher, and an inspiration for becoming your best self. He is a living breathing example that no matter where you were born, no matter what circumstances you were born into, that with hard work you can

achieve anything. I know that Alan and my Father have worked very hard this past year to take responsibility for their mistakes. It has been the most difficult year for our families, as we have watched our two incredible Fathers, who built something from the depths of nothing, be destroyed. Rather than run or hide they stood tall and took responsibility teaching us all another valuable lesson - that in life people can make mistakes, and when you make a mistake you must own it and take responsibility. This experience reminds us all that taking responsibility is an opportunity to evolve, to become more human, and to show those that you love that actions matter.

I pray the court takes leniency on Alan during the course of his sentencing. Alan has built a life full of love, family, charity and good works. The mistakes made by Alan and my Father should not characterize their lives. I hope you will find that Alan can rehabilitate outside of the prison system by giving back to his community, telling his life story, and giving more young people the opportunity to build their careers through hard work and determination.

Very Truly Yours,

A handwritten signature in black ink, appearing to read 'W. Gilmartin', written in a cursive style.

William J Gilmartin IV

August 4, 2021

Judge William Orrick
United States District Court
450 Golden Gate Avenue
San Francisco, CA 94102

Your honor,

I am writing this letter as witness to Alan Varela's character. I hope my experiences with him provide you with some insight when deciding his sentence.

I first met Alan over 30 years ago when his former employer in Boston sent him to the Bay Area for a job. It wasn't long before Alan ultimately decided to cut himself off from his East Coast ties and made the move out here acting as an independent construction consultant. My firm, A&B Construction, immediately brought him on board and we have been working together ever since.

In the office, Alan is relentless yet respectful. Demanding yet fair. He commands a level of respect that would leave you baffled. As we grew A&B Construction together, I learned what qualities made the difference between a good man and an exceptional one. Now Alan is smart, but his intelligence isn't what sets him apart. The difference is this: the limits of his work ethic and grit know no end and he has avoided the self-righteous ego that others with those qualities usually have. In its place, Alan possesses the refined ability to empathize. These two qualities together, amongst the countless other ones that he exhibits, yield a leader fit for the textbooks. He is an inspiration to those fortunate enough to get to work with him; he raises those around him to a new level but does so in a modest, encouraging way. Throughout the course of our business relationship, we have had the good fortune of growing the company and it is with great humility and pride that I tell you that we have employed hundreds people; I point this out because I feel it is important to highlight the direct effect that Alan has had on the Bay Area economy and its families. What is even more significant than just the number is how Alan interacts with those that work for him and the mentorship he provides. While other business leaders might purposefully sabotage growth opportunities and view their work force as

August 4, 2021

expendable, Alan has never shied away from encouraging his workers to better themselves even if it means parting way with A&B. Many of his old employees have gone on to start their own successful business and this is a point of pride for Alan.

Outside the office, Alan is a brother and getting to be part of his family is one of the most heartfelt privileges the world has ever given me. I was the best man at his wedding and am the Godfather of his firstborn. He is just as esteemed by his friends as he is by his colleagues. His laugh is contagious, his sense of adventure is inspiring, and his generosity is endless. Together, he and I have traveled the world and gone to each other's homelands and if I could gain back some years, I'd do it all again with him. Just to give an example as to what kind of person Alan is, when two of my sister's died, he came with me to their funerals. I was absolutely shattered and Alan came to show his love and support for two people he didn't even know. His genuine compassion and resolute optimism have been a source of light for me and countless other people.

Alan understands that what he did was wrong and has been quite open about expressing his shame. I assure you he is ready to embrace whatever sentence you give him. But I promise you that Alan is good man and I speak now on behalf of everyone who has been blessed to be in his life as well as myself in asking for lenience on his behalf.

Thank you for your consideration,

Andrew Jordan

July 29, 2021

Judge William Orrick
United States District Court
450 Golden Gate Avenue
San Francisco, CA 94102

Dear Judge Orrick,

I first became acquainted with Alan Varela sometime between 22-25 years ago, at an Industry Association function. Already aware that Alan had an established reputation of a respected and accomplished businessman, I was more impressed by the way he interacted and treated those around him.

It was clear that Alan was not only well respected by those who worked for him, but the respect, kindness and empathy that he showed to his employees, subcontractors and suppliers was truly impressive. Over the years since that first encounter, I have heard nothing but good things about Alan, how he treats and cares for his team in the office as well as the craft employees in the field.

While consulting for Alan over the last 18 months or so, I have always found him to treat employees, vendors, subcontractors and clients with the utmost respect and fairness. I have seen him "take the high road" numerous times in negotiations or disagreements, while maintaining a strong and focused ethical stance in building long term relationships with scores of people. On a personal note, I would also say that it has been impressive to observe Alan's consistency in this regard with his own family. He is the same person whether his sons are present in the office or not, maintaining consistently high character, morals and guidance for the organization. He is very intentional, dedicated, and fully invested in teaching and modeling sound morals, ethical and fair dealing in the business, and strong family values his family.

I respectfully ask that Alans' life work of business and personal relationships that have been solidly built on his high character, integrity, and honest and open relationships be strongly considered in your decision.

Sincerely,

Kelly Kolander

7/19/21

Señor Juez:

Por medio de la presente carta, con pleno conocimiento, salud y libertad, es para mi un privilegio poder escribir esta letra para describir y expresar mi sentir hacer a de una persona muy especial para mi familia y mi persona.

En la vida , todo ser humano está rodeado de personas muy importantes, que forman parte del crecimiento y educación humana u social de toda persona; por ejemplo , nuestros padres, hermanos , esposa , hijos y sobre todo los verdaderos amigos. Personas q sin ser familia, pasan a formar parte de ella por todo el impacto positivo, afectos y memorias que con el tiempo van dejando en la vida de las personas.

Hoy quiero hacer mención a una persona muy especial en mi vida, por estos 20 años q tengo de conocerlo , quiero agradecer a Dios por haberlo conocido, siendo para mi un privilegio poder ser parte de su familia y sobre todo tenerlo siempre presente en mi familia.

Sin duda todos los seres humanos, nacemos con talentos y cualidades especiales que nos hacen diferentes, desgraciadamente muy pocas personas tienen la humildad para ponerlos al servicio de los demás, en compartir el éxito personal, sobre todo con personas q tal ves no conocemos, pero q tienen la necesidad de alguien q les de la oportunidad de luchar por tener una vida digna, en lo personal esta persona para mi es Alan Varela .

Que significa o que representa para mi Alan Varela .

Sinónimo de respeto, trabajo, inteligencia, humildad, solidaridad con los demás. Una persona con la habilidad natural de motivar y guiar a otras personas , un líder natural, un ser humano excepcional de una conducta social y humana intachables. Para mi , en lo personal, ha sido un soporte fundamental para mi y mi familia, solo por mencionar , recuerdo cuando decidimos mi esposa y yo casarnos, el nos apoyo incondicionalmente, nos abrió las puertas de su casa , para celebrar con nosotros, costearo los gastos en su totalidad, cuando necesitamos un lugar para vivir, nos ayudó económicamente para poder tener una casa para vivir , honestamente pudiese decir muchas cosas , pero desde lo más profundo de mi corazón y sin temor a equivocarme, Alan es la persona en la que puedo confiar plenamente, un verdadero amigo, un ser humano excepcional.

Es y será siempre un privilegio para mi que Dios me haya dado la oportunidad de conocerlo y formar parte de la familia Varela .

Un abrazo y bendiciones para todos ustedes.

Saludos.

Miguel Lomeli

7/19/21

Dear Judge,

With full knowledge, health, and liberty, it is a privilege for me to write this letter to describe and express my feelings towards a very special person to me and my family.

In life, all humans are surrounded by people important to them that end up becoming part of their human and social development; for example, our fathers, brothers, wives, kids, and, above all else, our genuine friends. People that, without being bonded by blood, end up becoming family through all their positive influence, affection, and memories.

Today, I'd like to talk about a very special person in my life that, after 20 years of knowing him, I have to thank God for introducing me to him and allowing me to become part of his family and always being present in mine.

Without question, all humans are born with unique talents and abilities that distinguish us. Unfortunately, very few people have the humility to put those qualities towards serving others and to share their personal success especially with people they don't know who might need an opportunity to fight for a decent life; this person for me is Alan Varela.

What does Alan Varela mean and represent to me?

He is the embodiment of respect, hard work, intelligence, humility, and solidarity. He is a person with a natural ability to motivate and guide other people, a leader, an exceptional human being of flawless social conduct. Personally, he has been a fundamental support to me and my family. To mention a few examples, I remember when my wife and I decided to get married, he unconditionally supported us and opened his house to help us celebrate. He hosted our wedding party and covered the entirety of the cost. When we were looking for a place to move into, he helped us economically and ultimately gave us the opportunity to have a house to live in. I could honestly tell you many things, but from the bottom of my heart and without any hesitation, I can tell you that Alan is someone I can completely confide in and is a true friend and an exceptional person.

It is, and always will be, a privilege that God gave me the opportunity to get to know Alan and to become part of the Varela family.

Thank you,

Miguel Lomeli

(Translated by Zachary Varela)

July 6, 2021

The Honorable William Orrick
United States District Court
450 Golden Gate Avenue
San Francisco, CA 94102

Subject: Alan Varela

Dear Honorable Judge Orrick:

I hereby offer strong and unwavering support of my mentor and dear friend, Alan Varela. I met Alan nearly sixteen years ago and have been employed by his company, PrōVen Management, Inc., for almost fifteen years. I have come to know Alan very well, on both a professional and personal level. In all of my experiences with Alan over the years, both professional and personal, he has always conducted himself with utmost honesty, decency, and integrity. There are countless examples I could provide in support of Alan's character, but for the sake of brevity, the following provide illustration of the Alan's person and character:

1. After working for PrōVen for only a few months as a low-level Project Manager, my appendix ruptured and due to complications, I was unable to work for four months. After a month in the hospital, I called Alan to discuss applying for disability insurance to support myself and my 6-month pregnant wife. In response, Alan said, "You have a family and cannot afford to take care of them on disability." Alan paid me my full salary, kept me fully insured, and called frequently to check on me throughout my recovery.
2. Since I began working for Alan, he has taken an interest in developing and mentoring me. He has taken time out of each day to check in with me, encourage and challenge me to do honest great work, and ensure that our jobs are successful. Alan is a problem-solver, not a blamer; when problems arise, as they often do in construction, Alan encourages cooperative solutions and is receptive to new ideas and approaches. He works collaboratively with owners, subcontractors, vendors, and he has taught me by example how to treat everyone with respect and positivity.
3. Alan champions immigrants and first-generation Americans – he thrives on giving them opportunities and access to create better lives. He hires indiscriminately and provides financial and educational support to ensure that his employees and their families thrive. Specifically, Alan knows the names of everyone who works for his companies; he genuinely cares about them, their families, and success as evidenced by the frequent company events he hosts. At these events, Alan and his family spare no expense and personally welcome each employee and their families to tell them how much they appreciate them and their efforts.

Alan is honorable, generous, considerate, and hard-working; every day he strives to build, innovate, and improve the lives of those fortunate enough to be in his purview. Our community is best served with Alan in it.

Sincerely,

Abram McMickin
2505 Vineyard Road
Novato, CA 94947
(415) 760-7589

July 27th, 2021

Judge William Orrick,
United States District Court,
450 Golden Gate Avenue,
San Francisco, CA 94102.

Dear Judge Orrick,

I am writing to you today to speak to the character of a person who I consider to be a good friend and mentor of mine. I met Mr. Alan Varela about four years ago when I moved to this country. At the time, I had zero experience and zero contacts in the construction industry. I reached out to Alan in a blind attempt to try to gain some sort of meaningful employment. In typical fashion, he first asked about my hopes and dreams and where I saw myself ten years from now, always focusing on the big picture. After our initial conversation, I was brought on board and through working with him, my education in construction management, business acumen and hard work began.

This letter is my attempt to provide some context to the type of person and mentor that Mr. Alan Varela has been to myself and many others that have crossed paths with him. For a man with as many irons in the fire as he has, he might be forgiven for ignoring a phone call from someone whose first day it is on the job or passing off questions about a single sewer lateral on a tiny project, but Alan does neither. He has a savage work ethic and an attention to detail that needs to be witnessed to be believed and should be admired. He makes time for anybody who might ask for advice or his opinion on professional or personal matters, regardless of their presumed status or seniority. He will always call you back if he misses a phone call. In my time working with him he led by example, he does not ask from anyone something that he is not willing to do himself and he is never too busy to deal with the minutiae.

The qualities that I have described above are synonymous with a person who you might expect to thrive in business, but possibly the most surprising thing about Alan that I found and admired was meeting his family and seeing how genuine and kind they are. I have worked directly with his sons and you will struggle to find a friendlier, more grounded or humbler group of young lads. I would say that this is the true litmus test that shows the quality of people that Mr. Varela and his wife Jen are to raise such a great bunch of people.

To conclude, I wanted to write this letter to attest to the work ethic and integrity of Mr. Varela and his family as I have known it. It is not my place to speak about the specific charges brought against him, but my own experience working with Alan is that of someone who is knowledgeable and well intentioned. He is results orientated and stands by his work and his business. He is always trying to improve and progress. He is a dependable and genuine colleague and well regarded by those who know him.

Yours sincerely,

Thomas Mitchell

Judge William Orrick
United States District Court
450 Golden Gate Avenue
San Francisco, CA 94102

Re: Mr. Alan Varela

Dear Judge William Orrick,

My name is Maureen O'Connell and I have had a business relationship with Alan Varela for over 20 years. When I was first introduced to Alan, I represented him as his surety underwriter and for the last eleven years I have represented him as his surety broker. We have a term we use in the Suety industry when evaluating new clients, we look at the three C's, character, capacity and capital. In all my dealings with Alan he has always been forthright, honorable and truthful. Alan cares about people on a personal level and in all of his dealings with me he has been ethical and a person of high character.

In early 2014, I was visiting Alan's at his office. Alan's CPA was in the lobby talking about an office building he had recently sold to an Oncology group in the East Bay. I acknowledged that I was familiar with the building and the medical group. I could see the look of concern on Alan's face. Later in the day I called Alan to let him know that my mother had been diagnosed with terminal cancer. Alan was incredibly empathetic about my situation and shared with me that his wife, Jennifer was also battling a very rare form of cancer and she was working with doctors at Stanford Hospital. Over the course of the next nine months as my mom battled to stay alive to see both her granddaughters graduate from high school and college, Alan was always checking in, making sure I was fine and was there to support me. When Mom died in early November, Alan was the only customer who came to my mother's funeral and he even stayed for the reception. I represent quite a few contractors but Alan's true acts of kindness during this very difficult time were much appreciated and help forge an even closer personal relationship.

Alan and I also share an enormous drive to succeed not only in our work life but also in our family life. I have been blessed with a very successful career but I always made my children my priority and they are the joys of my life. I have had the pleasure to meet Alan and Jennifer's family several times. Their children are truly the most well-mannered, hospitable, and generous young people you will ever meet. They are a true reflection of their parents.

Alan and Jennifer are also a couple who give back to society. Alan sits on a local museum board and together they have raised millions of dollars to help cancer research at Stanford. Alan and his family are very special to me because they represent the best in our society, people that work hard, care about their family and give back to our society.

All my best,

A handwritten signature in blue ink that reads "Maureen O'Connell". The signature is fluid and cursive, with the first name being more prominent.

Maureen O'Connell, MBA

Judge William Orrick
United States District Court
450 Golden Gate Avenue
San Francisco, CA 94102

August 2 2021

Dear Judge William Orrick,

My name is Fabian Riquelme and I have known Alan since the start of my career as a Construction Manager on A&B Construction. Alan, as a consultant and director of A&B Construction, has been my mentor from day one, helping me transition to a career that is incredibly satisfying and stressful at the same time.

I'm writing this letter to attest to Alan's integrity and good character. Myself, and probably everyone that has worked with him on a daily basis can say the same, Alan doesn't go to the quick and easy path to succeed. He is a hard worker confident in his capacity and what he has built up to date after decades of work in the construction industry. He pushes his team to accomplish difficult work but not without showing that he is putting double the effort of everyone else.

I have been working with Alan for more than 5 years. Working with him is not easy, long hours, and trying to get his attention due to the amount of work he has over his shoulders is sometimes more difficult than the work itself. He is an honest, hard worker that works non-stop in order to succeed in his endeavours.

Alan has always been open to share with him more than work. He has been there to help whenever he can, showing his loyalty to his employees more than in a professional dimension. I have seen the same outside his company. His business relations are based on loyalty and decades of proven results.

I have been lucky to meet Alan outside of work life and meet the amazing family he has. His kids and wife are a reflection of his integrity, all of them caring for others and enjoying the simplicity of life, bringing joy to any scenario that they show up.

I hope this letter can help understand what Alan is for people in his circle which I'm confident I represent in these previous paragraphs. Wishing for the best.

Fabian Riquelme

July 25, 2021

Honorable Judge William Orrick
United States District Court
450 Golden Gate Avenue
San Francisco, CA 94102

Re: Alan Varela

Dear Honorable Judge Orrick:

I have been a close friend of Alan Varela for over 30 years. We met in 1990, when both of us were young ambitious men in the Construction Industry. From 2000 to 2007 I worked with Alan at Proven Management Inc.; I then formed my own company which I still run today. Our friendship has grown steadily over the 30 years we have known each other.

Alan leads an admirable life, a life full of purpose, hard work, devotion, perseverance, adventure, and most of all love for his family and his friends. Alan's life story is that of a successful immigrant who embraced all this Country has to offer. Alan left his family in Chile and came to Boston to attend College. He supported himself by working as a laborer in the construction industry, an industry that he has never left. Through hard work, determination, and teamwork he has built a successful Construction Company that employs hundreds of people dedicated to Alan. Alan has earned his employee's dedication and loyalty through his support and kindness to all of them. Countless times Alan would step up to help an employee or a family member in need. Alan would hire an employee's sibling or child, provide a personal loan or gift for those having a hard time, and make sure that everyone took the personal time that they needed to support their families.

For some people building such a great company would fulfill all their dreams, I know Alan is proud of it, but he is most proud of his wife and five children. Alan is a generous and selfless person; he is not boastful or entitled. Alan supported his parents in Chile for over 20 years, allowing them to enjoy their retirement, children, and their grandchildren. Alan's wife Jen has been battling Cancer for over 10 years. After Jen's diagnosis Alan shifted his focus from his work to his family. Alan has devoted himself to supporting Jen and their children, holding several fundraisers to support Cancer research at Stanford University.

The Varela's have five responsible children that adore their parents. They are well educated, respectful, and hard working. I am very proud to have Alan as a lifelong friend. To know Alan is to know love. I know that Alan will get through this difficult time and learn from it, as mere mortals we are not without fault. I wish I could do more to support Alan and his family, I wish them only the best.

Respectfully Yours,

Charles Schembri
3490 Tripp Road
Woodside, CA 94062

Matt Stimson
1766 Beachwood Way
Pleasanton CA, 94566
August 1, 2021

Judge William Orrick
United States District Court
450 Golden Gate Avenue

Dear Judge William Orrick,

My name is Matt Stimson. I worked for Alan Varela as ProVen Management's CFO for approximately three years (2017-2019). During that time, I came to know Alan as an incredibly hard working and dedicated leader. Alan was generous with access to opportunities for career advancement and professional growth for the many people he employs. In fact, Alan's guidance and support have directly helped me build a successful career. His mentorship has shown me on countless occasions how different perspectives in business, and in life, can shape outcomes of events. I've learned the true value in understanding others' perspectives. I miss the conversations we used to have about family and life outside of work.

I didn't always see eye to eye with Alan during my tenure with ProVen Management. Professional disagreements were not uncommon. Regardless, I never questioned where I stood with him. Alan valued my input, and that of his leadership team. Alan expected my honest thoughts and always treated me with respect regardless of whether my thoughts aligned with his. This is one of Alan's many strong personal and professional leadership qualities.

Throughout my career, I've had the good fortune to meet and build many great relationships. A very small number of those relationships are with uniquely talented or significantly gifted people. I count Alan Varela among them. I reflect very fondly upon my time working for Alan, and I did not hesitate when asked if I'd be willing to write a letter of character reference on his behalf. I know that Alan stepping away from his family and from his business will have a profoundly negative impact on many people. As the legal proceedings progress, I'd humbly ask that you please carefully consider the great many positives Alan has brought, and will continue to bring, to those around him as soon as he is able.

Respectfully,

Matt Stimson
mmstimson@gmail.com

June 9, 2021

Judge William Orrick
United States District Court
450 Golden Gate Avenue
San Francisco, CA 94102

Dear Judge Orrick,

My name is Jennifer Wade, and I was the controller for Proven Management, Inc. and its affiliates from April 2017 until March of 2021. I worked with Alan Varela closely on an almost daily basis. I found Alan to be one of the hardest working and most dedicated owners' I have ever had the opportunity to work with. Alan led by example and was most often one of the first to arrive at the office and the last to leave.

I watched him mentor and train many employees and especially saw his fulfillment and impact with young professionals just starting their careers. He always took the time to answer their questions and review their work providing one on one training and guidance. I saw many young interns flourish under his direction and guidance. Mr. Varela's knowledge, expertise and responsibilities span a vast variety of areas, but it is his willingness to teach others that sets him apart. I am very grateful for the time I spent working with him and feel what I learned will serve me greatly in my career and as a leader and manager.

I also had the pleasure of meeting Alan's sons when they would spend their summers working at the office while on break from school. It was very apparent that he wanted them to learn the value of hard work and held them to the same standards he would any employee while still making the time to mentor and teach them as he did all the young interns. It was easy to see the strong loving bonds between them and that Alan was preparing them to be independent and competent young men.

During a very difficult time for my family Mr. Varela showed me kindness and compassion. My son had been hospitalized during a mental health crisis and he personally called me to ask how I was doing and to see if I needed anything. As a parent himself I could see his genuine concern and regard for what my family was going through and when I returned to work, he called me into his office to talk and see how my son and I were doing.

In closing it is Alan's work ethic, dedication and willingness to share his time to teach and support others that I found to be his greatest qualities and inspiration to others.

Sincerely,

Jennifer Wade

August 12, 2021

Judge William Orrick
United States District Court
450 Golden Gate Avenue
San Francisco, CA 94102

Subject: Alan Varela

Dear Honorable Judge Orrick:

My name is Kenneth (Ken) Welch, I've known Alan Varela for well over thirty years (30). I first met Alan when he initially started his first construction business in the Bay Area. I've watched Alan build, develop, and expand several companies over time, including a General Engineering Company, ProVen Management, Inc (PMI). I know Alan from several perspectives; a Businessman, a Subcontractor, a General Contractor, a competitor, a colleague, an entrepreneur, and a friend. In 2015 I came to work with Alan at PMI to help manage PMI, participate in PMI developments, and participate in PMI re-organization and company growth. I'm currently PMI's Chairman of its Board, and its President / CEO.

Alan has been operating businesses successfully, in both public and private Construction works in the City and County of San Francisco and the Bay Area Region, for over thirty five years. Alan is well known and is well respected throughout the Bay Area's Construction Industry. I don't understand Alan's current situation, his plea, and how it got to where it is today; it's very concerning, it's very uncomfortable, it's completely out of character, and it comes to me with complete surprise. Alan has always held himself to the highest ethical standards, he's honest, reliable, competent, kind, compassionate, capable of taking blame, able to persevere, modest, and very humble. Alan's conduct over his life time, and his thirty five plus years doing business, successfully and ethically, in and about the Bay Area, exemplifies his true qualities, his attributes, and his character. Alan has always helped and assisted many people, and he has always done so in earnest, and since I've known Alan he's never anticipated or expected to receive anything in return.

Alan is strong headed but he operates reasonably, fairly, and professionally. Alan has always assisted employees with their personal challenges at work and their personal family challenges. I personally know of several employees who have children in day care facilities during work hours. Alan approved and developed a flexible work schedule for employees so they can attend to their families and children. Alan has assisted employees with rehabilitation for personal matters involving alcohol, drug, and mental illness challenges. Alan mentors employees and trains them to be successful, and Alan has assisted several employees in starting their own businesses. Alan, rarely but on occasion, has terminated employees for insubordination, inappropriate and unprofessional conduct, and unsafe actions, not following corporate standards and operations, and negative business misrepresentations; Alan expects nothing more from an employee's conduct than he expects of himself.

Alan hires indiscriminately and provides financial and educational support to employees so to ensure that his employees and their families are successful. Alan knows the names of everyone who works for his companies; he genuinely cares about them, and their families. Alan has always assisted employees and others without anticipation, or expectations to receive anything in return.

Alan is the patriarch of his own family, his family and their well-being is everything to Alan. He and his wife Jen, have five wonderful children, four boys and one girl. Over time this family has grown very close and they're very reliant on one another, more so than any other family I've personally known. Several years ago Jen was diagnosed with a very rare form of skin cancer, Cutaneous Lymphoma. Jen's initial prognosis was not promising, she endured years of treatment, on and off, and has been in remission again for some time now but, her battle with this very rare form of cancer has been not only a challenging and demanding for Jen and her medical providers but, it's been challenging and demanding for the entire Varela family. Jen's condition today and her continued remission is because of her unprecedented treatments and medical care but, mostly because of Alan and their children.

Cutaneous Lymphoma is a very rare form of cancer, medical procedures to control it are still in the early metamorphosis stages and treatments are improving daily. Over the years Alan and his family have been fully supportive of Jen and her treatments, and they've also organized multiple fund raising events over the past several years that have literally raised millions of dollars in Jen's name to support Stanford Cutaneous Lymphoma Research. Had it not been for these fund raising events over the past several years, current progress and the research would not be where it is today. The manner by which Alan has managed this obstacle over the years is remarkable, it tells me in detail about Alan, his qualities, his character, his focus, and his attributes, but it tells most about his family and how much they rely on each other.

Honorable Orrick, I pray that you'll meet with Alan in your chambers and have a one on one discussion with Alan prior to you sentencing him. Alan is humble, considerate, reliable, and most honest; our community needs him and we're better with him than not. More important, Alan's family needs him most, now and in the days to come.

Sincerely,

Kenneth (Ken) Welch
159 Orval Ave
Moss Beach, CA 94038
510-384-9370

Steven E. Wintch
21230 Rising Sun Mine Road
P.O. Box 653
Twain Harte, CA 95383

Judge William Orrick
United States District Court
450 Golden Gate Avenue
San Francisco, CA 94102

Dear Judge Orrick,

I worked with Alan Varela from 2013 until 2019, up until my retirement from the construction industry which Alan helped me facilitate. Throughout our working relationship, I was often taken aback by Alan's compassion for not only the Employees of the Company, but also for the General Contractors and Owners whom we performed the work for.

A few of the many situations that come to mind are as follows:

- 1) Prior to the commencement of my relationship with Alan, I learned that he had purchased a distressed property in Berkeley, California, with the intent of repurposing it into a construction company compound for both office and maintenance staff. After he had noticed "taggers" were marking the walls of the structure, he opened it up to "street artists" from around the bay area, and the entire country to display their talents on the structure; he then held an "open house" showing all that were interested the beauty of the art - at no cost.
- 2) Alan volunteered on the Board of Directors of the Oakland Museum for somewhere close to a decade, giving his time and attention unselfishly even when it conflicted with business and family demands.
- 3) A tremendous amount of time (and un-recouped value) was donated to Stanford University for cancer research – I know of at least two dinner fundraising benefits that Alan and his wife Jen facilitated at their home in Napa – generating millions of dollars that were donated to Stanford University Medical Research.

- 4) On one occasion, one of the Companies' Project Engineers lived close to the office and would commute on his bicycle. It was stolen from outside of the office and Alan immediately issued a \$900.00 check so he could replace the bicycle.
- 5) Many times, when the company could have taken advantage of a situation involving the costs of modified work, Alan's direction was to always "take the high road." Seeing as our corporate relationships were never based upon a single project but instead on the establishment of relationships over years of past and future projects with the General Contractors and Client Owners, Alan never wanted to violate anyone's trust.
- 6) As new Project Engineers and Project Managers would enter the Company, Alan would mentor them with the correct processes for estimating the work, ordering the necessary materials, managing the work and, most importantly, the fair and honest methods of doing business on a long term basis with our clients.

If there are any questions related to my above statements as to the character of Alan Varela, I can be contacted at 209.928.4884.

Steven E. Wintch